

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegation of corruption against Sri Mupparaju Vijayasekar, Senior Assistant, Assistant Commercial Tax Officer (FAC) Office of the Commercial Tax Officer-II, Ongole, Prakasam District – Trapped on 16-02-2009 – Sanction of prosecution – Orders –Issued.

REVENUE (VIG.I) DEPARTMENT

G.O.Ms.No. 49

Dated.19.1.2010.

ORDER:-

Whereas Sri Mupparaju Vijayasekar, Senior Assistant worked as Assistant Commercial Tax Officer (FAC), Office of the Commercial Tax Officer-II, Ongole, Prakasam District and by virtue of the post held by him he falls under the category of Public Servant as defined under section 2 (c) of the Prevention of Corruption Act, 1988;

2) And whereas Sri Gonuguntla Srinivasa Rao, S/o Narasimha Rao, age 41 years, Pvt. Accountant, of M/s Adibabu Granites, Chimakurthy, Prakasam District, R/o Door No. 33-1-11(1), near Kitchaibhavi, TVP Street, Ongole is the complainant herein;

3) And whereas on 13-2-2009 at 15-00 hrs, Sri G.Srinivasa Rao came to the Office of the District Inspector, Prakasam District at Ongole and gave a written report stating that he is working as Accountant and looking after the accounts of M/s Adibabu Granites, Chimakurthy. On 1-10-2005, the owners of the said firm Smt T.Jhansi Rani has nominated him through Form-560 to look after the transactions of the firm at the Office of the Commercial Tax Officer. No.II, Ongole. From then onwards he is getting way bills, submitting VAT returns, preparing CST assessment statements and submitting the same in the Office of the Commercial Tax Officer.No.II, Ongole and getting the necessary assessment orders from the office. About two months back he submitted CST assessment statements for the assessment years 2005-2006 and 2006-2007 of the said firm to Sri M. Vijayasekar. Later he met Sri M.Vijayasekar and enquired about the Assessment Orders, for which Sri M. Vijayasekar demanded Rs.10,000/- as bribe for Assessment Order of one financial year. Sri Gonuguntla Srinivasa Rao told Sri M. Vijayasekar that he can not afford to pay that much of amount and that the company also does not pay him that much of amount. Later Sri G.Srinivasa Rao met Sri M. Vijayasekar at his office on 30.1.2009 and asked him for his company's assessment. Sri M. Vijayasekar informed Sri G.Srinivas Rao that the assessments are being prepared. Again Sri.G.Srinivasa Rao met Sri M. Vijayasekar on 12.2.2009 at his office and enquired about his work. Sri M.Vijayasekar told that the assessment order for the assessment year 2005-2006 was ready and for preparing Assessment Order for the year 2006-2007. Sri M. Vijayasekar demanded Rs.10,000/- as bribe. Sri M. Vijayasekar told Sri G.Srinivasa Rao that unless and until the bribe was paid the assessment will not be completed for the year 2006-2007. Sri G.Srinivasa Rao received assessment order for the year 2005-2006 and paid B3 Tax of Rs.10,707/- through Challan at Sub-treasury Office, Ongole and gave a copy of the Challan in the said office on 13-2-2009. As there was no other go, Sri G.Srinivasa Rao agreed to pay the bribe amount of Rs.10,000/- to Sri M. Vijayasekar. As Sri G.Srinivasa

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Rao was not willing to pay the demanded bribe amount, he came to the Office of District Inspector, ACB, Prakasam District at Ongole and gave a written report against Sri M. Vijayasekar;

4) And whereas, it is further alleged that the D.S.P., ACB registered a case in Cr.No.03/RCT-NPK/2009 under section 7 of Prevention of Corruption Act, 1988 after due verification. During course of investigation, the D.S.P,ACB, Nellore conducted Pre-trap proceedings on 16-2-2009 between 11-30 hrs to 12-50 hrs in the Office of the District Inspector, ACB, Prakasam District, Nellore Range, in the presence of two mediator Sri G.Srinivasa Rao and other ACB staff. All the required formalities to be observed were complied with;

5) And whereas, it is further alleged that after completion of the Pre-trap proceedings in the Office of the District Inspector, A.C.B. at Ongole, the trap party consisting of a DSP, two Inspectors, two mediator and staff of ACB left the Office of District Inspector, Ongole at 13-00 hrs in a Government vehicle and reached near Tata Kalyanamandapam, Ankammampalem, Ongole town at 13-10 hrs and parked the vehicle. Sri Gonuguntla Srinivasa Rao was allowed by the DSP, ACB to go Sri Mupparaju Vijayasekar, to comply with the demand of bribe amount only on his demand but not other-wise. Sri Gonuguntla Srinivasa Rao left the vehicle at 13-20 hrs followed by the constable, Inspector. At about 13-40 hrs Sri Gonuguntla Srinivasa Rao came to the vehicle and informed the DSP, ACB that Sri Mupparaju Vijayasekar was not present in the office and he came to know that Sri Mupparaju Vijayasekar may come to office at about 15-00 hrs. The DSP, ACB along with the entire trap party left the Tata Kalyanamandapam at 13-45 hrs and again the DSP, ACB along with the entire team reached the Tata Kalyanamandapam, Ankammampalem, Ongole town at 14-45 hrs. The DSP instructed Sri Gonuguntla Srinivasa Rao to proceed to office of Sri Mupparaju Vijayasekar by reiterating his earlier instructions. The Constable and Inspector followed the defacto complainant. At about 16-30 hrs Sri Gonuguntla Srinivasa Rao returned to the vehicle and informed the DSP, ACB that Sri Mupparaju Vijayasekar did not come to the office and he was informed in the office that Sri Mupparaju Vijayasekar may not come to the office. On that Sri Gonuguntla Srinivasa Rao rang up to the cell phone of Sri Mupparaju Vijayasekar bearing No.9848219604 from his Cell Phone bearing No. 98493333439 and spoke to Sri Mupparaju Vijayasekar and Sri Mupparaju Vijayasekar asked him to come and meet him at his residence at Chimakurthy Village. On that DSP, ACB along with entire trap party members left Ongole town at 16-40 hrs and reached Chimakurthy village and Mandal headquarters at 17-10 hrs and parked the vehicle near old Gramapanchayath Office and the DSP,ACB reiterated his earlier instructions to Sri Gonuguntla Srinivasa Rao, Constable, and the Inspector. The DSP, ACB instructed Sri Gonuguntla Srinivasa Rao, to proceed to the house of Sri Mupparaju Vijayasekar and meet Sri Mupparaju Vijayasekar and pay the tainted bribe amount on his further demand only. Sri Gonuguntla Srinivasa Rao left the vehicle at 17-15 hrs and proceeded towards house of Sri Mupparaju Vijayasekar followed by constable and Inspector. The DSP, ACB secured Women Home Guard from Chimakurthy Police Station. Sri Gonuguntla Srinivasa Rao met the wife of Sri Mupparaju Vijayasekar at 17-20 hrs while Sri Mupparaju Vijayasekar was sitting in the main hall of his house along with his wife and daughter. The wife of Sri Mupparaju Vijayasekar saw him and he asked her whether Sri Mupparaju Vijayasekar was present. On that, Sri Mupparaju Vijayasekar came to the veranda and he told Sri

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Mupparaju Vijayasekar that he went to Commercial Tax Officer's office at Ongole, met the Head clerk, enquired him and came to know that Sri Mupparaju Vijayasekar did not come to the office. Sri Mupparaju Vijayasekar asked him about the challan and on that he informed Sri Mupparaju Vijayasekar that he paid the Challan amount and handed over the challan to the Head Clerk in the office at Ongole on 13-2-2009. Sri Mupparaju Vijayasekar enquired him about the bribe amount by showing signal with his hands, on that he gave the tainted amount of Rs.10,000/- to Sri Mupparaju Vijayasekar and Sri Mupparaju Vijayasekar received the amount with his right hand, counted the same with his both hands and asked Sri Gonuguntla Srinivasa Rao as to why another year's assessment amounts was kept pending and told him to clear that also. He requested Sri Mupparaju Vijayasekar to furnish Assignment Order copy for the year 2006-2007, Sri Mupparaju Vijayasekar told him that he will furnish a copy of the Order next day. On that, he left the house of Accused Officer and gave pre-arranged trap signal by wiping his face thrice with his handkerchief. At about 17-25 hrs signal was received from Sri Gonuguntla Srinivasa Rao and immediately the DSP, ACB along with the trap team and Women Home Guard went to the house of Sri Mupparaju Vijayasekar situated at Palapothuvari Street, Chimakurthy and noticed Sri Gonuguntla Srinivasa Rao standing in front of the said house. The DSP, ACB instructed Sri Gonuguntla Srinivasa Rao to stay there until he was called in. The DSP, ACB along with the team entered in to the house of Sri Mupparaju Vijayasekar situated in the 1st floor of the two storied building. Sri Mupparaju Vijayasekar was found sitting in the main hall and two ladies sitting on the cot in the same hall. The DSP, ACB disclosed the identities of himself and that of his team members to Sri Mupparaju Vijayasekar and to the two ladies and enquired and confirmed the identities of Sri Mupparaju Vijayasekar and two ladies as Smt M.Venkatasubbulu and Kum Madhulatha wife and daughter respectively. The DSP, ACB got prepared Sodium Carbonate Solution in two clean glass tumblers and requested Sri Mupparaju Vijayasekar to rinse his right hand fingers in one of the glass tumblers and on that Sri Mupparaju Vijayasekar tried to run towards wash basin situated in the verandah by pulling and pushing the said Inspector and tried to open the tap of the wash basin but the staff of the ACB prevented Sri Mupparaju Vijayasekar from opening the tap and he was brought to the main hall. Sri Mupparaju Vijayasekar closed the fingers of his both hands and refused to rinse his hand fingers in the colourless Sodium Carbonate Solution. The DSP, ACB requested Sri Mupparaju Vijayasekar to follow the procedure and to co-operate with ACB team and to rinse his hand fingers in the colourless Sodium Carbonate Solution, but Sri Mupparaju Vijayasekar behaved adamantly and bluntly refused to rinse his hands fingers in the colourless Sodium Carbonate Solution and argued with ACB team by saying that he is a Law Graduate and Knows the Law and asked the ACB team to show the Warrant to enter into his house and did not oblige to the requests made by the DSP, ACB to co-operate with them in doing their duty. Though the DSP, ACB apprised Sri Mupparaju Vijayasekar about the procedure and law, but Sri Mupparaju Vijayasekar did not co-operate and Sri Mupparaju Vijayasekar tried several times to rush towards the wash basin and bath room to wash his hands, but he was prevented by the trap team from doing so. The DSP, ACB asked the Inspector, to rinse his hand fingers in the two glass tumblers containing colourless solution. When he rinsed his both hand fingers in the colourless solution there is no change in the colourless solution, then on the instructions of DSP, ACB two steel bowls were secured from the kitchen of

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Sri Mupparaju Vijayasekar's house and got them cleaned with the water from the tap of the wash basin. The DSP, ACB got prepared sodium Carbonate Solution in two clean tumblers which is colourless and Inspector, caught hold of the right hand wrist of Sri Mupparaju Vijayasekar and kept one steel bowl below his hand and poured the colourless Sodium Carbonate Solution from one of the glass tumbler on the right hand fingers of Sri Mupparaju Vijayasekar. The colourless solution poured on the right hand fingers of Sri Mupparaju Vijayasekar turned into pink in colour and it was collected in the steel bowl is kept underneath in the hand of Sri Mupparaju Vijayasekar. Similarly the left and wrist of Sri Mupparaju Vijayasekar was caught by the Inspector; another clean steel bowl is kept underneath the left hand of Sri Mupparaju Vijayasekar and colourless solution available in the second glass tumbler is poured on the left hand fingers of Sri Mupparaju Vijayasekar and the solution turned in to pink in colour. The DSP, ACB searched the main hall and the bed room situated after the main hall in presence of the mediators. Sri Mupparaju Vijayasekar Smt Venkat Subbulu and Madhulatha. A bunch of five hundred rupee currency notes were found hidden in the folded mattress kept on a single cot. On the instructions of DSP, ACB the 2nd mediator took the currency notes from the mattress, counted the same and found them to be twenty five hundred rupee currency notes amounting to Rs.10,000/-. The numerical numbers of currency notes tallied with that of the number noted in the pre-trap proceedings. The DSP, ACB seized the amount of Rs.10,000/-. The DSP, ACB got prepared Sodium Carbonate Solution in a fresh glass tumbler and conducted chemical test on the mattress, from where the tainted bribe amount was recovered, with the help of cotton swab and on doing so, the colourless solution turned into pink in colour. The DSP, ACB seized the cover of the said mattress. The DSP, ACB arrested A.O at 21-50 hrs on 16-2-2009 and informed him the grounds of his arrest. After completion of Mediators Report-II, the DSP, ACB conducted house search in the presence of mediators, Sri Mupparaju Vijayasekar, Smt. Venkatasubbulu and Madhulatha wife and daughter of Sri Mupparaju Vijayasekar. During the course of house search, gold ornaments, silver articles, cash of Rs.2,24,250/- registered and un-registered documents were seized under a cover of inventory proceedings. After completion of inventory proceedings, the DSP, ACB along with his trap party and Sri Mupparaju Vijayasekar went to the Office of the Commercial Tax Officer-II at Ongole. Then Sri M. Vijayasekar opened his office room and produced 1) A file wrapper in the name of M/s Adibabu Granites vide TIN 28230264253 (CST) of 2005-2006 containing turnover statements, Form-H, CST returns, assessment order, show-cause notice first assessment order, Form-C containing 1 to 23 sheets 2) Two copies of proceedings and two copies of Show- cause notices pertaining to M/s Adibabu Granites for the year 2006-2007. 1to 4 sheets and 3) A file wrapper in the name of M/s Adibabu Granites containing turnover statements for the assessment year 2006-07 containing 1 to 30 sheets. The D.S.P seized documents for further investigation. Subsequently on 7-3-2009 the II AJFCM Court, Ongole , Prakasam District examined Sri G.Srinivasa Rao under section 164 Cr.P.C statement. Sri G.Srinivasa Rao sticks on to his earlier version. The above proceedings were reduced in to writing in the form of mediator Report No.II;

6) And whereas, the aforesaid acts of Sri M Vijayasekar, Senior Assistant, Assistant Commercial Tax Officer (FAC), Office of Commercial Tax Officer-II, Ongole, Prakasam District constitute offences punishable under sections 7, 13 (2), r/w section 13(1) (d) of Prevision of Corruption Act, 1988;

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7) And whereas, the Government of Andhra Pradesh, being the competent authority to remove the said Sri M.Vijayasekar, Senior Assistant, Assistant Commercial Officer (FAC), Office of Commercial Tax Officer-II, Ongole, Prakasam District from the Government service after fully and carefully examining the material (i.e ., Final Report, copy of the F.I.R.,copies of the Mahzars, gist of the statement of the witnesses and other documents) placed before them in respect of the aforesaid allegation and having regard to the facts and circumstances of the case consider that the above said Sri M.Vijayasekar, Senior Assistant, Assistant Commercial Officer (FAC), Office of Commercial Tax Officer-II, Ongole, Prakasam District should be prosecuted in a Court of Law for the above said offences;

8) Now, therefore in exercised of the powers conferred by clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988, the Government of Andhra Pradesh, hereby accord sanction for the prosecution of the said Sri Mupparaju Vijayasekar, Senior Assistant, Assistant Commercial Officer (FAC), Office of Commercial Tax Officer -II, Ongole, Prakasam District for the offences punishable under section 7, 13 (2), r/w section 3(1) (d) of Prevention of Corruption Act, 1988 and for any other cognate offences punishable under any other provisions of Law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a Court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

(ASUTOSH MISHRA)
PRINCIPAL SECRETARY TO GOVERNMENT

TO
The Director General.
Anti Corruption Bureau,
A.P., Hyderabad.

Copy to
Law (E) Department

// FORWARDED BY ORDER //

SECTION OFFICER